



Updates from 2006

# New Horizon's in the Landscape of Kansas Public Health



# Kansas Statutes and Regulations

- There are nearly 600 statutes and over 30 regulations directly impacting public health in Kansas.
- That does not include the over 400 cross references to other statutes and regulations.
- This also does not include specific agency rules.



# Kansas Statutes and Regulations

- The Kansas Public Health Association, Inc. has created a compendium of statutes and regulations to help public health practitioners stay current on what's impacting public health around the state.
- The compendium was revised this year to reflect legislation passed in 2006 and was completed by a Masters candidate at the University of Kansas Medical Center.





# Kansas Statutes and Regulations: What's Covered?

- Egg Laws
- Tax Issues
- Government Entities
- Wells
- Sewers
- Sanitation
- Certain Crimes
- Food Service
- Abuse
- Open Records Act
- Emergency Preparedness
- Rules of Evidence
- Contagious Disease
- Cancer Registry
- Licensure
- Vital Statistics
- School Programs

# Kansas Statutes and Regulations: Goals and Outcomes.

- Where do you find statutes and regulations that impact public health?
- How do you monitor legislation that may impact public health?
  - Navigating the Kansas Legislature website and “lobbyist in a box”.
- What are other states doing that Kansas should consider?





# Major Public Health Statutes in Kansas

- The bulk of public health statutes are located in Chapter 65, Article 1-68.
  - Last year, 2006, over 450 bills were introduced that impacted Chapter 65.
  - Only 7 resulted in changes to the statutes.
- This year, 2007, only 292 bills have been introduced that impact Chapter 65.



# 7 Amended Statutes in Chapter 65

- 65-516: Restrictions on Persons at child care facility or family day care home.
- 65-1626a: Practice of Pharmacy Defined.
- 65-3402, 65-3407, 65-3415b: Solid and Hazardous Waste
- 65-5117: Operation of home health agency precluded, back ground checks.
- 65-6001: Definition, AIDS and Hep B.



# Chapter 65-516

- Restrictions on Persons at child care facility or family day care home.
  - Changed reference to prohibition on persons found to need a guardian or conservator.
  - Now cross references with 59-3050 through 59-3095.
  - Clear definition of when a person is considered under guardianship or conservatorship.
  - May change the count or total considered for reporting purposes for number enrolled.





# Chapter 65-1626a

- Practice of Pharmacy Defined; Persons Engaged as Pharmacists.
  - Added the term “devices” to the statute.
  - Prior to this addition prescription devices was excluded from the purview of the practice of pharmacy.
  - Practice of pharmacy now includes persons who profess publicly that they have knowledge of prescription devices and are required to adhere to this section.





# Chapters 65-3402, 65-3407, 65-3415b

- Solid and Hazardous Waste
  - New definition of “industrial facility” added.
  - New addition that applicant for solid waste facility either own the land or have an easement that will “run with the land”. Such easement can only be vacated by order of the Secretary.
  - Addition of the term industrial facility into the tonnage fees required for disposal of solid waste.



# Chapter 65-5117

- Operation of Home Health Agency
  - Addition of notice for criminal history record information.
  - Report of convictions and adjudications by KBI (Kansas Bureau of Investigation).





# Chapter 65-6001

- Addition to definitions on “Laboratory Confirmation of HIV Infection”.
  - Swapped out term “positive reaction to AIDS test”
    - The new definition offered to address the use in other statutes.
    - Problem exists in remaining sections because “positive reaction to AIDS test” is still used, but now no longer defined.
      - Effects physician decision to tell spouse about whether or not other spouse has tested positive for AIDS.
      - See 65-6004: Authorization to Disclose
      - Prior definition required both screening and confirmed analytical results.
      - Current statutory formulation does not have this safe guard.





# How to Know When the Statutes Change

- For individuals working in the Public Health sector it is important to understand that much of public health “law” is driven by statutes passed by the legislature.
- In that vein it is important to know what’s changing from year to year and to find out how it’s impacting you.





# How to Know When the Statutes Change

- The best place to locate updated statutes and regulations is on the Kansas Legislatures' home page.



<http://www.kslegislature.org/legsrv-portal/index.do>

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Recess until 2:30 pm, today

- Status/Agenda - [APRIL 25, 2007](#) (pdf)
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## 2007 Legislation Deadline

**Today's Date:** Apr 25, 2007  
**Today's Time:** 11:18 AM CDT

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 Some files are in pdf format only. Download the free [Adobe Acrobat Reader](#) to view them.

## Virtual Committee

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**Find a Statute**  
Enter Statute #   
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# Navigating the Legislative Home Page

- Begin your search by locating statutes passed or amended the previous session.





# Navigating the Legislative Home Page

- This will bring up a 63 page pdf document listing all changes to statutes by type, effective date, and bill introduced and adopted.



## 2006 AMENDMENTS AND REPEALS TABLE

KSA (Supp)	Type	Bill	Sec	SL Ch	O	Note/Caption	Effective Date
2-223 (Supp)	Am	SB 480	156	142		Delayed effective date	7/1/06
2-2118 (Supp)	Am	SB 500	1	78			7/1/06
2-2501 (Supp)	Am	HB 2836	1	90			7/1/06
2-2502	Am	HB 2836	2	90			7/1/06
2-2503	Am	HB 2836	3	90			7/1/06
2-2505	Am	HB 2836	4	90			7/1/06
2-2507	Am	HB 2836	5	90			7/1/06
2-2508	Am	HB 2836	6	90			7/1/06
5-512	Am	HB 2352	79	200			1/1/07
8-126 (Supp)	Am	SB 76	1	135			7/1/06
8-128	Am	SB 374	1	136			4/27/06
8-129	Am	SB 374	2	136		Delayed effective date	1/1/07
8-132 (Supp)	Am	HB 2628	1	5			7/1/06
8-135 (Supp)	Am	SB 496	1	18	1	Conflict w/ S 558 §2	7/1/06
8-135 (Supp)	Am	SB 558	2	64	2	Conflict w/ S 496, §1	1/1/07

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June 21, 2006 (4:59pm)

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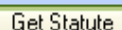
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**Statute Table of Contents**

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**65-6601****Chapter 65.--PUBLIC HEALTH****Article 66.--ALCOHOL AND OTHER DRUG ABUSE COUNSELORS****65-6601. Definitions.** As used in the alcohol and other drug abuse counselor registration act:

(a) "Alcohol and other drug abuse counseling" means the utilization of special skills to assist persons with alcoholism or other drug addictions, and to assist such persons' families and friends, to achieve resolution of alcoholism or other drug addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to the alcoholism or other addiction. Evaluation and assessment, treatment plan development, case management, crisis intervention, referral, recordkeeping and clinical consultation specifically related to the alcoholism or other addiction are within the scope of alcohol and other drug abuse counseling.

(b) "Alcohol and other drug abuse counselor" means any individual who, for compensation, provides alcohol and other drug abuse counseling to persons with alcoholism or other drug addictions, and to the families and friends of such persons, specifically in relation to the alcoholism or other addiction.

(c) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501 and amendments thereto.

**History:** L. 1992, ch. 184, § 1; July 1.

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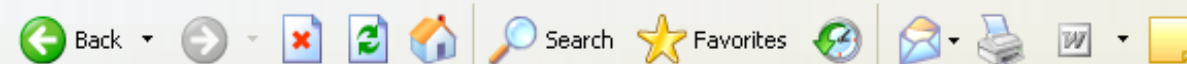
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Kansas Legislative Research Department  
300 S.W. 10th  
Room 545-N - STATEHOUSE  
Topeka, KS 66612-1504

Phone (785) 296-3181  
Fax (785) 296-3824  
TDD/TTY (785) 296-3677

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- 2007 Briefing Book - Health Insurance for Children and Youth  
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- 2007 Briefing Book - Programs for Infants and Toddlers  
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- 2007 Briefing Book - Obesity (posted 12-14-06) [PDF](#)
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- 2007 Preliminary Summary of Legislation (posted 3/28/07) [PDF](#)
- 2007 Preliminary Summary of Legislation Supplement I (posted 4/10/07) [PDF](#)
- 2006-2007 Appropriations Report, August 2006 (posted 8-20-06) [PDF](#)
- 2006 Summary of Legislation (posted 7/19/06) [PDF](#)
- Kansas Fiscal Facts, thirteenth edition, June 2006 (posted 7-17-06) [PDF](#)
- 2006 Legislative Highlights (posted 6-19-06) [PDF](#)
- 2007 Kansas Legislator Briefing Book (posted 12-14-06) [PDF](#)  
Links to individual files.

Summary of Legislation of the:

[2005 Legislature](#), [2004 Legislature](#), [2003 Legislature](#),  
[2002 Legislature](#), [2001 Legislature](#)

# Differences between Kansas and Other States

- Clinical Trials Statutes
  - Kansas has no state provisions for regulation of clinical trials or protection of human subjects
    - Missouri and 37 other states have statutes that directly address these issues.
      - Increase protection for privacy issues.
      - Mandate reading levels for informed consents.
      - Provisions to strengthen availability of clinical trials to older populations, children and women.





# Differences between Kansas and Other States

- Legislation to Address Obesity Epidemic
  - Several States have looked to addressing the obesity epidemic through legislative mandates.
    - 9 States currently have legislation targeting food and beverages sold in public schools.
    - Kansas has programs designed to target both school nutrition and physical education programs.
      - However Kansas Does Not have a State Wide Task Force Focused on Childhood Obesity.
        - » Currently 11 states do.
        - » But who pays?
        - » 4 States currently require that obesity treatments be covered under health policies sold in the state.





# Differences between Kansas and Other States

- Hospital-Based Infections Reporting Requirement
  - Currently Kansas does not have legislation addressing Nosocomial infection outbreaks defined as Hospital acquired infection: Any localized or systemic patient condition that: (a) resulted from the presence of an infectious agent or agents, or its toxin or toxins as determined by clinical examination or by laboratory testing; and (b) was not found to be present or incubating at the time of admission unless the infection was related to a previous admission to the same setting.
  - But what about the increasing incidence rates of MRSA?
    - MRSA: Methicillin-resistant Staphylococcus aureus (MRSA) is a specific strain of the Staphylococcus aureus bacterium that has developed antibiotic resistance to all penicillins, including methicillin and other narrow-spectrum  $\beta$ -lactamase-resistant penicillin antibiotics
    - Should the legislature be addressing this issue?
    - 18 other states have regulations addressing Nosocomial infections, specifically MRSA.





Questions?

